

KEVIN V. RYAN (CASBN 118321)  
United States Attorney

EUMI L. CHOI (WVSBN 0722)  
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7210  
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05 0672 MHP
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER AND
	)	STIPULATION FOR CONTINUANCE
v.	)	FROM JANUARY 30, 2006 TO
	)	FEBRUARY 6, 2006 AND EXCLUDING
DAVID HENDERSON,	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
Defendant.	)	3161(h)(8)(A))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the next appearance before the district court currently set for January 30, 2006, and resetting the next date to February 6, 2006 at 10:00A.M. before the Honorable Marilyn Hall Patel, and documenting the defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from January 12, 2006 to February 6, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act. Because defense counsel must effectively prepare for the case, and because he is unavailable to appear before the District Court on January 30, 2006, and will continue to be unavailable until February 6, 2006, failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel.

2. Given these circumstances, the Court finds, and the parties agree with the consent of the defendant, that the ends of justice served by excluding the period from January 12, 2006 to February 6, 2006 outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court vacates the currently scheduled appearance on January 30, 2006, and instead orders the parties to appear for a status appearance on February 6, 2006 at 10:00A.M.. The Court further orders that the period from January 12, 2006 to February 6, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: January 27, 2006

/s  
GEOFFREY HANSEN, ESQ.  
Attorney for Defendant

DATED: January 27, 2006

/s  
ROBERT DAVID REES  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: January 31, 2006

